

(5) The sale and shipment, on February 19, 1910, by said defendants, under a written guarantee that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, of a quantity of so-called champagne, which was a misbranded article within the meaning of said act, and which said article, without having been changed in any particular, was shipped by said defendants and the purchaser thereof, from the State of California into the State of Washington, in violation of the Food and Drugs Act.

Investigation and examination of this product by said Bureau of Chemistry showed that it was a cloudy white wine of domestic origin artificially carbonated.

Misbranding of this product was charged in the fifth and sixth counts of one of the indictments for the reason that each of said bottles had three labels thereon regarding said so-called champagne, one label being made of tin foil which said label covered the mouth and neck of the bottle and on which were stamped the words in blue letters "Extra Dry"; around the neck of the bottle and at the bottom of said tin foil label as a neck label was a second label containing the words "Extra Dry Champagne" and containing the impression of a circular star, crown and shield; and upon the third and main label of said bottle was an impression of a crown and shield, upon the left side of which was the word "Trade" and on the right side of which was the word "Mark", and the said label contained the words and figures following, to wit: "Grand Prix Brand Champagne Product of California Guaranteed under the National Pure Food & Drugs Act, June 30th 1906. B. Arnhold & Co., San Francisco Distributors"; and on the bottom of the cork of said bottle were the words "Champagne Mousseux"; that said labels and the words and impressions thereon and the words on said cork gave and would give to the purchaser, as defendants then and there well knew, the impression that the product contained in each of said bottles was a foreign product, to wit, champagne, which is, as defendants then and there well knew, a high class wine made in France, and that said labels and the words and impressions thereon and the words on said cork were then and there calculated to deceive and mislead the purchaser into the belief that the same was a foreign product, to wit, champagne, and that by and through said labels and the words and impressions thereon and the words on said cork it purported to be a foreign product, whereas, in truth and in fact, the said so-called champagne, as defendants then and there well knew, was not and is not a foreign product nor champagne at all, but was then and there, as defendants then and there well knew, a domestic product, to wit, a white wine artificially carbonated and made in California.

On February 26, 1914, a plea of guilty to each indictment was entered on behalf of the defendant firm and on May 2, 1914, the court imposed a fine of \$35.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *October 13, 1914.*

3494. Alleged misbranding of Dodson's remedy. U. S. v. Dodson's Remedy Co. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 2584. I. S. No. 8004-c.)

On June 13, 1911, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dodson's Remedy Co., a corporation, Norfolk, Va., alleging shipment by said company in violation of the Food and Drugs Act, on July 25, 1910, from the State of Virginia into the State of Massachusetts, of a quantity of a certain drug known as Dodson's remedy, which was alleged to have been misbranded. The product was labeled: (Design of a Maltese cross.) "Dodson's Remedy. Prompt and Effectual. For headache, toothache, nervousness, sciatica, neuralgia, earache, rheumatic pains, lumbago, etc. * * * Phenylacetamid 12 grs. to the fluid oz. with 30% alcohol. * * * Contains no chloral or morphia, and is perfectly safe, and may be taken without injury if used according to directions." (On circular) "This remedy contains no habit-forming drugs."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Acetanilid (per cent).....	2.22
Caffein.....	0.41
Salicylic acid (per cent).....	2.26
Potassium bromid (per cent).....	3.93

Misbranding of the product was alleged in the information for the reason that the label on each of the packages bore false and misleading statements: (1) The said statement that the article, that is to say, Dodson's remedy, was an effectual remedy for headache, toothache, and other disorders, was false and misleading, in that it conveyed the impression that said article possessed therapeutic properties with effectual remedial action in the disorders enumerated as above, whereas, in fact, said preparation did not possess therapeutic properties with effectual remedial action, in the case of headache or any other of the said enumerated disorders. (2) The said statement that said remedy contained no habit-forming drugs was false and misleading, in that said preparation in fact contained caffein and acetanilid, both of which substances are habit-forming drugs. (3) The said statement that said preparation "is perfectly safe and may be taken without injury if used according to directions" was false and misleading, in that it conveyed the impression that the product contained no harmful ingredients, or ingredients which might be harmful if indiscriminately used, where[as], in fact said preparation contained, as above stated, caffein and acetanilid, each of which is a harmful and dangerous substance when used indiscriminately and without competent medical direction. (4) Each of the said packages failed to bear a statement on the label affixed thereto of the quantity and proportion of acetanilid contained in the contents thereof, whereas, in fact, of the the contents of each of said packages, 2.22 per cent was acetanilid.

On June 11, 1914, the case having come on for trial before the court and a jury, after the submission of evidence and argument by counsel, the case was given to the jury, and after due deliberation the jury returned into the court with its verdict of not guilty.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *October 13, 1914.*

3495. Adulteration and misbranding of vinegar. U. S. v. 75 Barrels of Vinegar. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 3139. I. S. No. 1950-d. S. No. 1143.)

On November 1, 1911, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 barrels of vinegar, remaining unsold in the original unbroken packages as Oshkosh, Wis., alleging that the product had been shipped by Spielmann Bros. Co., Chicago, Ill., on October 5, 1911, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. Forty-five of the barrels were labeled, "Guaranteed Cider Vinegar, 4½ per centum, Spielmann Brothers Co."; 20 barrels were labeled, "Guaranteed Cider Vinegar, 4 per centum, Spielmann Brothers Co."; and 10 barrels were labeled, "Guaranteed Cider Vinegar, 5 per centum, Spielmann Brothers Co."

Adulteration of the product was alleged in the libel for the reason that it had been so mixed and diluted with acetic acid or distilled vinegar and to such an extent and amount as to reduce, lower, and injuriously affect its quality, substance, and strength, and, further, in that it had been mixed and diluted to such an extent with such acetic acid or distilled vinegar that said substance known as acetic acid or distilled vinegar had been wholly or in part substituted for the product of pure cider vinegar. Misbranding was alleged for the reason that said barrels so labeled as aforesaid contained